

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

DEBORAH R. DOUGLAS (NYBN 2099372)  
Assistant United States Attorney

450 Golden Gate Avenue  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Facsimile: (415) 436-7234  
E-Mail: deborah.r.douglas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
EDITH NELSON, )  
RONALD NELSON, and )  
NELDA ASUNCION, )  
 )  
Defendants. )

No. CR 08-477-1 DLJ  
No. CR 08-477-2 DLJ  
No. CR 08-477-3 DLJ

**AMENDED STIPULATION AND  
RESTITUTION ORDER FOR INDIVIDUAL  
VICTIMS OF MORTGAGE LOAN FRAUD**

Plaintiff United States of America, by and through its attorney of record, and defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion, by and through their respective attorneys of record, hereby stipulate as follows:

1. On February 3, 2012, defendant Edith Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Monetary Transactions Using Criminally Derived Property, in violation of 18 U.S.C. § 1957(a); Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii). On that same date, February 3, 2012, defendant Ronald Nelson pled guilty to Conspiracy to Commit Bank Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; Income Tax Evasion, in violation of 26 U.S.C. § 7201; and Harboring of an Illegal Alien, in violation of 8 U.S.C. § 1324(a)(1)(A)(iii).

1 Also on February 3, 2012, defendant Nelda Asuncion pled guilty to Conspiracy to Commit Bank  
2 Fraud and Wire Fraud, in violation of 18 U.S.C. § 1349; and Monetary Transactions Using  
3 Criminally Derived Property, in violation of 18 U.S.C. § 1957(a).

4 2. On May 10, 2012, this Court sentenced defendants Edith Nelson, Ronald Nelson, and  
5 Nelda Asuncion pursuant to their plea agreements under Rule 11(c)(1)(C) of the Federal Rules of  
6 Criminal Procedure.

7 A. As part of their plea agreements, defendants Edith Nelson and Ronald Nelson agreed  
8 to pay restitution in the total amount of \$5,223,476.90 (plus interest and penalties on  
9 the restitution owed for income tax evasion) as follows:

10 (1) \$3,384,368.50 for mortgage loan fraud;

11 (2) \$292,862 plus interest and penalties for income tax evasion; and

12 (3) \$1,546,246.40 for the back wages of employees and former employees, as  
13 determined by the U.S. Department of Labor.

14 B. As part of her plea agreement, defendant Nelda Asuncion agreed to pay restitution  
15 in the total amount of \$2,838,868.50 for mortgage loan fraud.

16 3. The agreed upon restitution involved victims which are financial institutions and  
17 government entities, such as the Federal Deposit Insurance Corporation and the Internal Revenue  
18 Service, as well as individual victims. The government previously provided the defendants with  
19 charts setting forth, *inter alia*, the names of the victims and the restitution owed to each of them.  
20 The government represents that it has provided the addresses for payment of restitution to the U.S.  
21 Office of Probation.

22 4. At the sentencing proceeding, this Court granted the United States' request that the  
23 respective judgments indicate that the individual victims have priority for payment of restitution  
24 over the lending institutions and government entities pursuant to 18 U.S.C. § 3664(i). This Court  
25 directed that the parties submit stipulations and proposed orders setting forth the order of priority  
26 for payment of restitution and the amount of restitution owed to each victim, as the parties had  
27 agreed in entering into the respective plea agreements. With respect to defendants Edith Nelson and  
28 Ronald Nelson, this Court directed that stipulations and proposed orders for the payment of

1 restitution be submitted as follows: (1) individual victims of mortgage loan fraud; (2) forty-nine  
2 individual victims who are owed back wages; (3) financial institutions who are victims of mortgage  
3 loan fraud; and (4) Internal Revenue Service for payment of taxes owed. With respect to defendant  
4 Nelda Asuncion, this Court directed that stipulations and proposed orders for the payment of  
5 restitution be submitted as follows: (1) individual victims of mortgage loan fraud; and (2) financial  
6 institutions who are victims of mortgage loan fraud.

7         5. The government and defendants Edith Nelson and Ronald Nelson agree that, if the  
8 defendants make partial payments, the individual victims of mortgage loan fraud as well as the  
9 individual victims who are owed back wages shall receive approximately proportional payments  
10 until full restitution is paid to all of the individual victims. After all of the individual victims are  
11 paid restitution in full, the financial institutions who are victims of mortgage loan fraud shall receive  
12 approximately proportional payments of restitution until full restitution is paid to those financial  
13 institutions. After all of the financial institution victims are paid restitution in full, the Federal  
14 Deposit Insurance Corporation ("FDIC"), a quasi-governmental entity, shall receive all restitution  
15 payments until the FDIC is paid in full. After the FDIC is paid full restitution, the Internal Revenue  
16 Service ("IRS") shall receive all remaining payments until full restitution is made to the IRS,  
17 including interest and penalties on the taxes owed.

18         6. The government and defendant Nelda Asuncion agree that, if the defendant makes  
19 partial restitution payments, the individual victims of mortgage loan fraud (to whom she is jointly  
20 and severally liable with defendants Edith Nelson and Ronald Nelson for payment of restitution)  
21 shall receive approximately proportional payments until full restitution is paid to those victims.  
22 After those individual victims are paid restitution in full, defendant Nelda Asuncion's restitution  
23 payments shall be made to the financial institutions (to which she is jointly and severally liable with  
24 defendants Edith Nelson and Ronald Nelson) in approximately proportional payments until full  
25 restitution is paid to those financial institutions.

26         7. The parties agree that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion  
27 shall pay, jointly and severally, restitution owed to the individual victims of mortgage loan fraud  
28 listed below in the specified amounts, totaling \$1,014,147.26.

Item No.	Defendants (Jointly & Severally Liable)	Joint & Several Restitution	Name of Victims
1	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 581,888.70	Robert Cueva
2	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 32,258.56	Cynthia Dinglasan and Redentor Dinglasan
3	Edith Nelson, Ronald Nelson, & Nelda Asuncion	\$ 400,000.00	Alicia Ferrer
	<b>Total Restitution</b>	\$1,014,147.26	

8. The restitution amounts owed by defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion to the financial institutions which are victims of mortgage loan fraud are set forth in a separate stipulation and order. The restitution owed by defendants Edith Nelson and Ronald Nelson to Dennis Duncan and Shawna Duncan, who are individual victims of mortgage loan fraud, is also set forth in a separate stipulation and order.

IT IS SO STIPULATED.

Dated: July 18, 2012

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/  
DEBORAH R. DOUGLAS  
Assistant United States Attorney

Dated: July 18, 2012

/s/  
JOYCE LEAVITT  
Assistant Federal Public Defender  
Attorney for Defendant Edith Nelson

Dated: July 18, 2012

/s/  
GILBERT EISENBERG  
Attorney for Defendant Ronald Nelson

Dated: July 18, 2012

/s/  
DEBORAH G. LEVINE  
Attorney for Defendant Nelda Asuncion

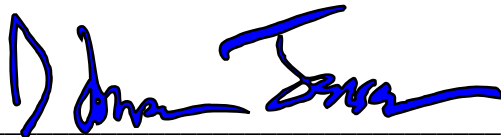
ORDER

Based upon the parties' stipulation and plea agreements, IT IS HEREBY ORDERED that defendants Edith Nelson, Ronald Nelson, and Nelda Asuncion shall pay, jointly and severally, restitution owed to the individual victims of mortgage loan fraud listed in the stipulation in the specified amounts, totaling \$1,014,147.26.

IT IS FURTHER ORDERED that the Clerk's Office shall not disclose the addresses of the individuals victims to the defendants or the public.

IT IS SO ORDERED.

Dated: July Fi, 2012

  
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HONORABLE D. LOWELL JENSEN  
SENIOR UNITED STATES DISTRICT JUDGE

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